



Dkt. 54002-D/JPW/ANX

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kenneth A. Jones et al.
Serial No.: 09/211,755 Group Art Unit: 1646
Filed : December 15, 1998 Examiner: Michael Brannock
For : DNA Encoding A GABA_BR2 Polypeptide and Uses
Thereof

1185 Avenue of the Americas
New York, New York 10036

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

DECLARATION OF KENNETH A. JONES, THOMAS M. LAZ,
AND BETH BOROWSKY UNDER 37 C.F.R. §1.131

We, Kenneth A. Jones, Thomas M. Laz and Beth Borowsky hereby
declare as follows:

1. Prior to September 7, 1998, we conceived of the invention
claimed in the above-identified patent application, i.e., a
process for determining whether a chemical compound is an
agonist of a mammalian GABA_BR1/R2 receptor which comprises
contacting cells containing nucleic acid encoding, and
expressing on their cell surface, the GABA_BR1/R2 receptor,
wherein such cells prior to being transfected with such nucleic
acid do not express the GABA_BR1/R2 receptor, with the compound
under conditions permitting the activation of the GABA_BR1/R2
receptor, and detecting an increase in activity of the GABA_BR1/R2

receptor, wherein said increase in activity indicates that the compound is an agonist of a GABA_BR1/R2 receptor, and wherein the mammalian GABA_BR1/R2 receptor comprises a GABA_BR1 polypeptide and a GABA_BR2 polypeptide, as recited in independent claims 208, 213 and 224, now pending.

2. Prior to September 7, 1998, an assay to identify a compound that binds to and activates such a mammalian GABA_BR1/R2 receptor was performed by Meng Dai under the direction and supervision of one of us, Kenneth A. Jones, in the United States at the laboratories of Synaptic Pharmaceutical Corporation, the assignee of record of the subject application. Specifically, such an assay was performed using a rat GABA_BR1/R2 receptor. More specifically, a plasmid encoding a rat GABA_BR1 polypeptide referred to as B058 which expresses a rat polypeptide corresponding to SEQ ID No. 55/56 of the subject application and a plasmid encoding a rat GABA_BR2 referred to as B055 (see claims 208, 213, and 224) were transfected into HEK293 cells and the resulting cells tested for the ability of the chemical compound aminobutyric acid (GABA) to bind to, and activate, the GABA_BR1/R2 receptor expressed by the transfected cells. A copy of page 55 of a laboratory notebook of Meng Dai, detailing the performance of this assay and the resulting determination that GABA specifically interacts with, and is an agonist of, such a mammalian GABA_BR1/R2 receptor, is attached hereto as **Exhibit 1**. Although the dates have been redacted from this notebook page, all of the redacted dates are prior to September 7, 1998. Thus, at least one embodiment of the claimed invention was actually reduced to practice in the United States prior to September 7, 1998.

3. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statements may jeopardize the validity of the application or any patent issued thereon.

September 10, 2003
Date

Date

Date



Kenneth A. Jones

Thomas M. Lax

Beth Borowsky

3. We hereby declare that all statements made herein or our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Kenneth A. Jones

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Date

Kenneth A. Jones

Date

Thomas M. Laz

Sept. 9, 2003
Date

Beth Borowsky
Beth Borowsky